UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/583,700	05/31/2000	Cary Lee Bates	ROC20000071	5217

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EXAMINER
WON, YOUNG N

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 06/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/583,700	BATES ET AL.
	Examiner	Art Unit
	Young N Won	2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 May 2000* .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-42* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *3* .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

1.   Claims 1-42 have been examined.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the
United States before the invention thereof by the applicant for patent, or on an international application
by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this
title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) do not apply to the examination of this application as the application

being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily

published under 35 U.S.C. 122(b). Therefore, this application is examined under 35

U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2.   Claims are rejected under 35 U.S.C. 102(e) as being anticipated by Himmel et al.

(US 6314423 B1).

Independent:

As per claims 1 and 18, Himmel teaches a method (see col.11, claim 1) and a computer-readable medium having instructions or programs (see col.12, claim 9) which, when executed by a process cause the process to perform a method for managing bookmark information (see col.2, lines 47-48) in a data structure residing on a computer, comprising: receiving the bookmark information from a plurality of sources (see col.3, lines 47-49) networked to the computer (see col.2, lines 52-56), the bookmark information comprising source identifier information (see col.6, line 66 to col.7, line 4; and col.8, lines 57-63) and network addresses (see col.1, lines 46-58; and col.6, lines 2-8); and storing the bookmark information in the data structure (see col.11, lines 44-47).

As per claim 35, Himmel teaches an apparatus, comprising: a computer (see col.3, lines 37-39); at least one bookmarking device having a unique source identifier (see abstract) associated therewith and containing a first browser adapted to process network addresses (see col.6, lines 2-10); and a network connection connecting the computer to the at least one bookmarking device (see col.6, lines 58-60) and comprising network addresses, wherein the at least one bookmarking device transfers the network addresses and unique source identifiers to the computer via the network connection (see col.6, lines 10-14).

Dependent:

As per claims 2 and 19, Himmel teaches of further comprising, collecting the network addresses and source identifier information during an Internet browsing session (see col.1, lines 46-58; and col.10, lines 54-57).

As per claims 3 and 20, Himmel further teaches wherein the plurality of sources includes a local computer (see col.1, lines 15-22).

As per claims 5, 9, 22, 26, and 40, Himmel further teaches wherein the data structure is a bookmark table having at least one bookmark entry (see col.3, lines 4-6; and col.8, lines 47-51).

As per claims 6 and 23, Himmel teaches of further comprising, storing the bookmark table on a client computer (see col.1, lines 64-67).

As per claims 7, 24, and 41, Himmel further teaches wherein the data structure is stored in memory of the computer and is readable by a processor (see col.12, claim 5).

As per claims 8 and 25, Himmel teaches of further comprising populating a plurality of fields with the bookmark information to form the at least one bookmark entry (see col.5, lines 20-36).

As per claims 10 and 27, Himmel teaches of further comprising, prior to receiving the bookmark information, sending the bookmark information from at least one of the plurality of sources to the computer in an instance where a bookmark was generated at the at least one of the plurality of sources (see col.8, lines 44-51).

As per claims 11, 12, 28, and 29, Himmel teaches of further comprising, prior to receiving the bookmark information: browsing a network connected to the plurality of sources and comprising the network addresses; collecting the network addresses by

one or more of the plurality of sources; storing the network addresses as bookmarks;

sending the bookmark information to the computer (see col.1, lines 46-58).

As per claims 13, 30, and 36, Himmel further teaches wherein the network is the

Internet, and the network addresses are Uniform Resource Locators (URLs) (see col.1,

lines 30-45; and col.5, lines 20-36).

As per claims 17 and 34, Himmel further teaches wherein the bookmark

information received from the plurality of sources may be administered at a local

computer based on the source identifier information (see col.5, lines 16-19).

As per claim 39, Himmel further teaches wherein the computer comprises a data

structure for storing the network addresses and unique source identifiers (see col.11,

lines 44-47).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 4, 14-16, 21, 31-33, 38, and 42 rejected under 35 U.S.C. 103(a) as being

unpatentable over Himmel et al. (US 6314423 B1).

As per claims 4, 14, 21, and 31, Himmel further teaches wherein the plurality of sources is selected from the group comprising of a laptop, a cellular phone, e-mail, a personal data assistant, a set-top box, a watch, a hand-held computer, a pager, and a desktop computer (se col.3, lines 47-55).

As per claims 15, 32, and 38, Himmel further teaches wherein the source identifier information is selected from the group comprising of the laptop, the cellular phone, e-mail, the personal data assistant, the set-top box, the watch, the hand-held computer, a pager, and a desktop computer (see col.3, lines 47-55; and col.7, lines 1-4).

As per claims 16 and 33, Himmel further teaches wherein the source identifier information is selected from the group comprising of person, location, sender, channel, program, and phone number (col.7, lines 1-4).

As per claim 42, Himmel further teaches wherein the computer further comprises a second browser for managing the data structure (see col.2, lines 48-49).

Himmel does not expressly show that the sources or source identifier information is selected from the group comprising person, location, sender, channel, program, phone number, laptop, the cellular phone, e-mail, the personal data assistant, the set-top box, the watch, the hand-held computer, a pager, and a desktop computer, as claimed in claims 4, 14-16, 21, 31-33, and 38 above. However these differences are only found in nonfunctional descriptive material and are not functionally involved in the steps recited. The selection of source or source identifier would be performed

regardless of the group of data. Thus these descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see In re Gulack, 703 F.2d 1381,1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use any device description data and/or user information data because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

Similarly, as per claim 42, whether the same browser or plurality of browsers are employed does not functionally distinguish the claimed invention over the prior art. Himmel clearly teaches that a browser is employed in managing the data structure.

4.   Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Himmel et al. (US 6314423 B1) in view of Smethers (US 6560640 B2). Himmel does not teach wherein the network connection comprises a wireless connection. Smethers teaches wherein the network connection comprises a wireless connection (see col.3, lines 64-67). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Smethers within the system of Himmel by employing a wireless network communication within the bookmarking apparatus because Smethers teaches that the hypertext technology has spread to wireless communications (see col.1, lines 11-12).
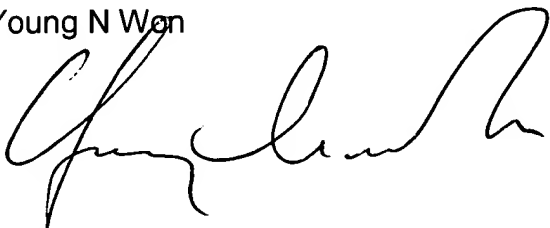
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Young N Won whose telephone number is 703-605-4241. The examiner can normally be reached on M-Th: 8AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R Sheikh can be reached on 703-305-9648. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Young N Won

June 23, 2003

HOSAIN T. ALAM
PRIMARY EXAMINER